

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

<b>HARRIS COUNTY, TEXAS</b>	<b>§</b>	
<i>Plaintiff</i>	<b>§</b>	
<b>vs.</b>	<b>§</b>	
<b>TEXAS DEPARTMENT OF</b>	<b>§</b>	
<b>TRANSPORTATION; AND MARC</b>	<b>§</b>	
<b>WILLIAMS, IN HIS OFFICIAL</b>	<b>§</b>	
<b>CAPACITY AS EXECUTIVE</b>	<b>§</b>	
<b>DIRECTOR OF THE TEXAS</b>	<b>§</b>	
<b>DEPARTMENT OF</b>	<b>§</b>	
<b>TRANSPORTATION</b>	<b>§</b>	
<i>Defendants</i>	<b>§</b>	

**CIVIL ACTION NO. 4:21-cv-00805**

**JOINT MOTION TO EXTEND STAY**

TO THE HONORABLE EWING WERLEIN, JR.:

This case concerns alleged violations of the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 et seq., and the Administrative Procedure Act, 5 U.S.C. §§ 701-706, by the Defendants in issuing a Record of Decision and Final Environmental Impact Statement approving the construction of the I-45 North Houston Highway Improvement Project.

On December 3, 2021, the parties filed a joint motion to stay this case for 45 days in order to engage in discussions to try to resolve the lawsuit (ECF 19). The Court granted the motion on December 6, 2021 and ordered the parties to file a status report and/or move the Court to extend the stay (ECF 21). The Court granted the multiple joint motions to extend the stay (ECF 24, 26, 28, 30, 34, & 36).

The parties continue to engage in discussions to try to resolve the lawsuit. The parties and their technical specialists met June 29, 2022. To facilitate the ongoing discussions, the parties jointly propose an additional 30-day extension of the stay in this litigation to allow for these discussions to be undertaken free from the threat of active litigation. Accordingly, the parties

respectfully request that the Court enter and order extending the stay by 30 days from the date of entry of such order.

Respectfully submitted,

IRVINE & CONNER PLLC

by: /s/ Charles Irvine

**Charles Irvine**

*Attorney in Charge*

Texas Bar No. 24055716

Federal (Southern District) No. 675029

charles@irvineconner.com

**Janet Campos**

Texas Bar No. 24096157

4709 Austin St.

Houston, Texas 77004

713.533.1704

**Christian D. Menefee**

Harris County Attorney

Texas Bar No. 24088049

Federal (Southern District) No. 2800354

Christian.Menefee@cao.hctx.net

**Jonathan Fombonne**

First Assistant Harris County Attorney

Texas Bar No. 24102702

Federal (Southern District) No. 3016436

Jonathan.Fombonne@cao.hctx.net

**Tiffany Bingham**

Managing Counsel

Texas Bar No. 24012287

Federal (Southern District) No. 1077536

Tiffany.Bingham@cao.hctx.net

by: /s/ Sarah Jane Utley

**Sarah Jane Utley**

Environmental Division Director

Texas Bar No. 24042075

Federal (Southern District) No. 737952

Sarah.Utley@cao.hctx.net

1019 Congress Plaza, 15th Floor

Houston, Texas 77002

(713) 274-5124 (direct line)

TEXAS DEPARTMENT OF  
TRANSPORTATION AND MARC  
WILLIAMS

by: /s/ Lisa McClain Mitchell

**LISA MCCLAIN MITCHELL**

Assistant Attorney General

Southern Dist. No. 572948

Texas Bar No. 90001724

Transportation Division

P.O. Box 12548

Austin, Texas 78711-2548

512-936-1431

512-936-0888 – Fax

Email: lisa.mitchell@oag.texas.gov

**RYAN P. BATES**

Texas Bar No. 24055152

Bates PLLC

919 Congress Avenue, Suite 1305

Austin, Texas 78701

Telephone: (512) 694-5268

Email: rbates@batespllc.com

#### **ATTORNEYS FOR DEFENDANTS**

#### **ATTORNEYS FOR PLAINTIFF HARRIS COUNTY, TEXAS**

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of the foregoing document was served on all counsel of record in this Cause by filing it via the Court's ECF system on the 5th day of August, 2022.

*/s/ Lisa McClain Mitchell*  
Lisa McClain Mitchell